

PAUL S. HUGEL (PH4749)
CLAYMAN & ROSENBERG LLP
305 Madison Avenue – Ste 1301
New York, New York 10165
(212) 922-1080 telephone
(212) 949-8255 facsimile

Attorneys for Plaintiff
Maclaren Europe Limited

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MACLAREN EUROPE LIMITED,	:	
	:	
Plaintiff,	:	
	:	INDEX No. 11 cv 4688 (HB)
-against-	:	
	:	
ACE AMERICAN INSURANCE COMPANY,	:	
a/k/a ACE USA,	:	
	:	
Defendant.	:	
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DECLARATION OF PAUL HUGEL
IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

PAUL HUGEL, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of the law firm of Clayman & Rosenberg LLP, attorneys for Plaintiff Maclaren Europe Limited ("MEL") in the above captioned matter. I offer this Declaration in support of Plaintiff's motion for summary judgment. The statements contained herein are based upon my own personal knowledge or upon information and belief.

2. True and complete copies of the following documents are annexed to this Declaration as set forth below:

Exhibit A The summons and complaint filed by plaintiff in this action

- Exhibit B The answer filed by defendant in this action.
- Exhibit C Insurance policy PHF069994 issued by ACE to MEL effective March 10, 2004.
- Exhibit D Insurance policy PHF074674 issued by ACE to MEL effective March 10, 2005.
- Exhibit E Renewal Declarations Page for policy PHFD36824268 issued by ACE to MEL effective April 10, 2006 and an email dated December 1, 2006 from ACE to Program Brokerage Corp, confirming that the Declarations page combined with the expired policy constitute the entire policy.
- Exhibit F Transcript from the non-party deposition of Alan Magner conducted on March 28, 2012.
- Exhibit G Transcript from the deposition of ACE insurance by Patricia Thompson as its designee pursuant to F.R.C.P.Rule 30(b)(6), conducted on April 24, 2012.
- Exhibit H Excerpts from the transcript from the non-party deposition of Thomas Zarem conducted on April 3, 2012.
- Exhibit I Excerpts from the transcript from the non-party deposition of Farzad Rastegar conducted on May 10, 2012.
- Exhibit J Statement from Fortis Bank dated February 25, 2005, for the account of MEL, showing an outgoing wire transfer of \$45,000 to I.S. Sahni, Inc. on February 22, 2005.
- Exhibit K Email string with correspondence between February 6, 2006 and February 22, 2006 by Rana Sahni and MEL's Financial Controller, Mark Woollven, concerning payment of \$45,000 for renewal of the MEL products liability policy.
- Exhibit L Statement from Fortis Bank dated February 17, 2006, for the account of MEL, showing outgoing wire transfer of \$45,000 to I.S. Sahni, Inc. on February 17, 2006.
- Exhibit M Wire transfer archive report from Commerce Bank showing incoming wire transfer from Maclaren Europe Ltd of \$44,971 received in the account of Sahgner Risk Managers, LLC on February 22, 2006.

- Exhibit N Email dated March 9, 2004 from AMW Ougheltree Associates LLC to ACE and accompanying Acord Commercial Insurance Application seeking a quote for insurance coverage.
- Exhibit O Email string with correspondence dated March 10 and March 11, 2004 between Ougheltree Associates and ACE confirming coverage bound by ACE for MEL and Maclaren Hong Kong with insurance binder and fax cover sheet.
- Exhibit P Emails dated June 29, 2004, August 20, 2004 and September 21, 2004 between Ougheltree Associates and ACE concerning correction of the named insured on the policy issued by ACE to MEL and Maclaren Hong Kong.
- Exhibit Q Emails between Program Brokerage and ACE dated February 27, 2006 (with accompanying insurance application), March 2, 2005 and March 7, 2005, in which Program Brokerage informs ACE that it is acting on behalf of another broker for the renewal of the MEL and Maclaren Hong Kong insurance.
- Exhibit R Various correspondence between March 8, 2006 and April 10, 2006, from Program Brokerage, Saghner Risk Managers and ACE concerning renewal of the 2006 policy covering MEL and Maclaren Hong Kong.
- Exhibit S Cancellation notice from ACE for policy PHFD36824268.
- Exhibit T Email dated April 3, 2007, from MEL Financial Controller Mark Woollven to Rana Sahni.
- Exhibit U Decision and order dated December 21, 2009 by the Hon. Doris Ling-Cohan, in Pilkington Fine Arts, Inc v. Saghner Risk Managers LLC and Rana Sahni, Supreme Court, New York County, 1002006/2009.
- Exhibit V Excerpts from the Insurance Law Revision of the State of New York, Tentative Draft (1937) by the Insurance Department of New York.
- Exhibit W Excerpts from the Public Hearing of the Joint Legislative Committee for Recodification of Insurance Law, Hon. R. Foster Piper, Chairman, held on December 29, 1937.
- Exhibit X Report of the Association of the bar of the City of New York, Committee on Insurance, No. 55 concerning a bill to amend New York Insurance Law § 121 and cover letter dated June 4, 1971.

Exhibit Y New York Insurance Department General Counsel Opinion No. 3-9-90.

Exhibit Z Email string dated February 11, 2009 through February 19, 2009, between MEL and ACE.

3. For the reasons set forth in the accompanying Memorandum of Law, we respectfully request that the Court grant Plaintiff's motion for summary judgment.

Dated: New York, New York
June 13, 2012

I declare under penalty of perjury that the foregoing is true and correct

/s
Paul Hugel